BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

VIRGIE HANCOCK	}
Claimant VS.	Dooket No. 122 026
WESCON PRODUCTS Respondent) Docket No. 132,926
AND	{
UNITED STATES FIDELITY & GUARANTY Insurance Carrier	}

ORDER

ON the 6th day of October, 1994, the application of the respondent for review by the Workers Compensation Appeals Board of an Order entered by Administrative Law Judge Nelsonna Potts Barnes, dated August 4, 1994, came on for oral argument.

APPEARANCES

The claimant appeared by and through her attorney, William C. Cather of Wichita, Kansas. The respondent and its insurance carrier appeared by and through their attorney, Kim R. Martens of Wichita, Kansas. There were no other appearances.

RECORD

The record in this matter consists of the documents on file with the Division of Workers Compensation, including the transcript of Preliminary Hearing held on July 25, 1994, before Administrative Law Judge Nelsonna Potts Barnes, and the exhibits attached thereto.

ISSUES

Whether this matter should proceed to regular hearing pending a utilization and peer review of William Mitchell, D.O., by the Director of Workers Compensation regarding payment of certain medical bills of Dr. Mitchell's. The medical bills submitted on behalf of Dr. Mitchell, and requested to be listed as authorized medical expense by the claimant, are disputed by the respondent as not being reasonable and necessary medical care. The claimant contends the medical treatment provided by Dr. Mitchell was reasonable and necessary and should be paid as authorized medical care.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

K.S.A. 44-534a limits the rights of the parties to appeal from decisions of Administrative Law Judges at preliminary hearings.

The Administrative Law Judge denied respondent's motion to quash claimant's request for a regular hearing in the above matter due to the ongoing utilization and peer review investigation of the medical charges of Dr. William Mitchell. The Administrative Law Judge found this matter ready for regular hearing.

The Appeals Board has found on many occasions in the past that the administration of the Administrative Law Judge's docket is within the power of the Administrative Law Judge and the Appeals Board will not interfere in same. This Order by the Administrative Law Judge is an interlocutory order, not ripe for appeal, and the Appeals Board finds that the Administrative Law Judge has both the power and the jurisdiction to control her docket and to schedule regular hearings.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Nelsonna Potts Barnes, dated August 4, 1994, remains in full force and effect.

II IS SO ORDERED.
Dated this day of October, 1994.
DOADD MEMBED
BOARD MEMBER
BOARD MEMBER
BOARD MEMBER

c: William C. Cather, 2935 S. Seneca, Wichita, KS 67217 Kim R. Martens, 200 W. Douglas, Suite 630, Wichita, KS 67202 Nelsonna Potts Barnes, Administrative Law Judge George Gomez, Director